

Ser. No. 10/538,960
Internal Docket No. PF020161

Remarks/Arguments

In the non-final Office Action dated January 15, 2008, it is noted that claims 1-14 are pending; that claims 1-14 are rejected; and that the drawings are accepted.

In the present response, Claims 1, 2, 4, 5, 10, and 12-14 have been amended. Claims 13 and 14 have been amended to independent form. Please charge the deposit account for the one extra independent claim.

Claim 1 has been amended by clarifying the recording in at least one metering file information containing the condensed results in predefined data structures of prefixed sizes, so as to make it possible to keep the size of the file constant even when information regarding a new occurrence of a physical event is recorded. Independent claim 10 is changed accordingly. The features are supported by the specification, for example page 9, line 30-37.

Claim 2, 4, 5, 10 and 12 have been amended with respect clarity. No new matter has been added.

Objection to the Specification

In the Office Action it was requested that section headings be added. Applicants have added the section headings requested by the Examiner.

In view of the above mentioned amendments, it is respectfully requested the objections to the specification be withdrawn.

Rejection of claims 13 and 14 under 35 USC §101

Applicants have amended claims 13 and 14 to independent form as noted above. Claim 13 is directed to a method and claim 14 is directed to an apparatus. Since each claim is directed to a single statutory class it is respectfully requested the rejection under 35 USC §101 be withdrawn.

Rejection of claims 4, 5, 13 and 14 under 35 USC §112

Claims 4 and 5 has been amended herein to clarify the features objected to in the Office Action. These claims are supported by the original disclosure, for example paragraphs 78 and 87 and Figure 3 of applicants' patent publication. As illustrated in Figure 3 the histogram H1, giving numbers N_i of occurrences of the calls (axis 32) as a

Ser. No. 10/538,960
Internal Docket No. PF020161

function of slots PE_i of durations of gap Δt between two consecutive occurrences (axis 31). That is, each slot comprises the number of occurrences with a gap Δt to the previous occurrence. Thus, the first type of results consisting of numbers of the occurrences per slot of time spans between two consecutive occurrences. In view of this clarification it is respectfully requested this rejections be withdrawn.

With regard to claims 13 and 14, as pointed out above, these claims are amended to independent form and are directed to a single class. Thus, it is respectfully requested that this rejection be withdrawn.

Rejection of claims 1-6 and 9-14 under 35 USC §102(b) as being anticipated by Rainey et al. (US Pat No 5,799,315) (hereinafter "Rainey")

Applicants' claim 1 is directed to a device for temporal metering of events including means for associating a time with an occurrence of an event; means for processing the occurrences and times to produce condensed results; and means for recording the condensed results in at least one file.

Specifically, claim 1 recites: "means for recording in at least one metering file, information containing said condensed results in predefined data structures of prefixed sizes, so as to make it possible to keep the size of said file constant even when information regarding a new occurrence of a physical event is recorded." (Emphasis added).

In an example embodiment of claim 1, the condensed results are stored in predefined data structures of prefixed sizes so that the size may be kept constant even when new information is recorded. The condensed results allow an at least partial temporal reconstruction of the occurrences.

Rainey teaches a system for time stamping events. For example time stamping notes made using a PDA. Each event is associated with a time.

In the Office Action it appears that Rainey's description of two files being compared to produce a sum or a difference of the files (reconciliation) is being equated to applicants' claimed condensed result, which the Office Action points to col. 8, lines 37-48 of Rainey.

However, in contrast to applicants' claim 1, Rainey fails to teach or even suggest that the reconciliation file contains condensed results in predefined data structures of

Ser. No. 10/538,960
Internal Docket No. PF020161

prefixed sizes. Furthermore, Rainey fails to teach or even suggest that the reconciliation file keeps the size of the file constant even when information regarding a new occurrence of a physical event is recorded.

In fact, Rainey appears to teach the opposite. That is, the file in Rainey grows as tags are being added. As described in Rainey, col. 8, lines 14-22, and indeed throughout Rainey, new tags are simply added when new data is added to the file. Thus one skilled in the art would recognize by this description that the file itself grows as the new tags are added.

Thus, contrary to the inventive features of applicants' claimed invention, Rainey's file size grows and is not kept at a constant size. Rainey fails to teach "means for recording in at least one metering file, information containing said condensed results in predefined data structures of prefixed sizes, so as to make it possible to keep the size of said file constant even when information regarding a new occurrence of a physical event is recorded."

Therefore, Applicants submit that for at least the reasons recited above independent claim 1 is not anticipated by the teachings of Rainey, as such, fully satisfies the requirements of 35 U.S.C. § 102 and is patentable there under.

Applicants' dependent claim 2 further includes the features of: "the summary processing module is designed to produce at least two types of distinct results for each occurrence of the events." (Emphasis added).

The Office Action points to col. 8, lines 37-48 of Rainey as teaching the claimed features. However, Rainey teaches that the reconciliation is designed to not include the same data twice. There is nothing in Rainey which suggests producing two types of distinct results for each occurrence of the events. Thus, Rainey fails to teach the features of claim 2.

Applicants' dependent claim 4 further includes the features of: "a first type of results consisting of numbers of the occurrences per slot of time spans between two consecutive occurrences."

Rainey fails to teach or even suggest the claimed features because there is no suggestion in Rainey of counting occurrences. For example, in col. 9, lines 35-40 Rainey only describes generating an event tag when the event occurs and upon playback of a recording causing the event to occur at the lagged time. There is no

Ser. No. 10/538,960
Internal Docket No. PF020161

suggestion of results consisting of numbers of the occurrences as more particularly recited in claim 4. Thus, Rainey fails to teach the features of claim 4.

Applicants' dependent claim 5 further includes the features of: "the slots of time spans of the first type of results have amplitudes increasing not strictly with the time spans durations." The Office Action points to Rainey col. 9, lines 23-40. However, nowhere does Rainey suggest the claimed features. In fact, Rainey does not even teach recording the gaps between occurrences of events. Thus, Rainey fails to teach the features of claim 5.

For at least the foregoing reasons, Rainey fails to teach or even suggest many of the features found in dependent claims 2-6, 9 and 11-12, which depend from claim 1. Because these claims are distinguishable it is respectfully submitted that dependant claims 2-6, 9 and 11-12 are not anticipated by the teachings of Rainey and fully satisfy the requirements of 35 U.S.C. § 102 and are patentable thereunder.

Applicants' independent claims 10, 13 and 14 contain at least several similar features as discussed above with respect to claim 1; therefore, applicants essentially repeat the above arguments for each of the independent claims and respectfully request each rejection be withdrawn.

Rejection of claim 7 under 35 USC 103(a) as unpatentable over Rainey in view of Longman et al. (USPGP 2002/0064260). Rejection of claim 8 under 35 USC 103(a) as unpatentable over Rainey in view of Klein (US 5,541,845).

Since claims 7 and 8 depend from, and therefore inherit all the limitations of claim 1, withdrawal of the rejection of claims 7 and 8 under 35 U.S.C. 103(a) is respectfully requested because each of the additional cited references fails to cure the above discussed deficiencies of Rainey in teaching all the features of claim 1. Therefore, the combination of references fails to teach or suggest each and every feature found in claims 7 and 8 and the rejections should be withdrawn.

Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however,

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Ser. No. 10/538,960
Internal Docket No. PF020161

the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed to have been incurred by virtue of this amendment. However if a fee is incurred on the basis of this amendment, please charge such fee against deposit account 07-0832.

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